

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2012 MAR 29 PM 1:59
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SO. DIST. OF GA.

TROY HEADLEE, individually and on)
behalf of all other persons or entities)
similarly situated,)

Plaintiff,)

v.)

CV 109-092

STEVE WOLFORD, STEVE WOLFORD)
d/b/a HARVEST ASSOCIATES, INC.,)
and HARVEST ASSOCIATES, INC.,)

Defendants.)

ORDER


In the above-captioned case, Plaintiff asserted claims arising under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* On September 29, 2010, the Court granted Plaintiff's motion for class certification and certified a class pursuant to Federal Rule of Civil Procedure 23(b)(3). (Doc. no. 35.) Thereafter, the Court granted Defendant Steve Wolford's motion for partial summary judgment. (Doc. no. 44.) Following the resolution of Defendant Steve Wolford's motion for partial summary judgment, the Court held a series of status conferences; during the conference held on March 8, 2012, the parties stated their agreement to resolve this case by filing a motion to decertify the class and by filing a motion to dismiss this action upon Defendants' payment of an agreed upon amount pursuant to terms set forth by the parties during the status conference.

Consistent with the parties' representations at the March 8, 2012 status conference,

the parties have filed a "Joint Motion for Decertification of Class," in which they ask the Court "to decertify the class and to allow this matter to proceed on behalf of the Plaintiff individually." (Doc. no. 53, p. 2.)

The Court has discretion to decertify a class "if subsequent developments so require." Smith v. Ga. Energy USA, LLC, 259 F.R.D. 684, 697 (S.D. Ga. 2009) (Alaimo, J.) (citing Fed. R. Civ. P. 23(c)(1)(C)). Here, the parties have jointly moved for decertification, and because notice of class certification has not yet been provided, decertification will not prejudice members of the certified class. Accordingly, the motion is **GRANTED**. (Doc. no. 53.) Therefore, the Court **DECERTIFIES** the class previously certified by the Court's Order of September 29, 2010. The parties are reminded to promptly file for dismissal upon satisfaction of the terms discussed during the March 8, 2012 status conference.

SO ORDERED this 27th day of March, 2012, at Augusta, Georgia.


W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE